

YOUTH SERVICES POLICY

Title: Employee Suspensions Next Annual Review Date:	Type: A. Administrative Sub Type: 2. Personnel Number: A.2.17
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References: Civil Service Rule Nos. 12.4, 12.5, 12.10 and YS Policy No. A.2.1 "Employee Manual."	
STATUS: Approved	
Approved By: <i>Simon Gonsoulin, Acting Assistant Secretary</i>	Date of Approval: 10/29/2004

1. AUTHORITY:

Acting Assistant Secretary of the Office of Youth Development as delegated on January 27, 2004 by the Secretary of the Louisiana Department of Public Safety and Corrections.

2. PURPOSE:

To establish the policy for administering emergency suspensions.

3. APPLICABILITY:

Undersecretary, Assistant Secretary, Deputy Assistant Secretaries, Facility Directors, and the Probation and Parole Program Director. Each Unit Head is responsible for ensuring emergency suspensions are imposed in accordance with this policy.

4. DEFINITIONS:

Unit Head - Facility Directors, Probation and Parole Program Director and the Deputy Secretary/Assistant Secretary or designee for Youth Services (YS) Central Office.

YS Central Office - Offices of the Deputy Secretary, Undersecretary of the Office of Management and Finance, Assistant Secretary of the Office of Youth Development and their support staff.

5. POLICY:

Civil Service Rule 12.4 governs the use of emergency suspensions of YS staff. This rule permits a verbal suspension (emergency suspension) without pay when the employee's continued presence at work would pose a significant hazard to health, safety, or the efficiency of public service. The employee must be told that he is being suspended, the reason(s) for such and, when feasible, he should be given an opportunity to respond to the action.

6. PROCEDURES:

A. Emergency Suspensions

1. Generally, emergency suspensions will be used for those incidents which:
 - 1) jeopardize the life, health or safety of staff, the public or youth and/or
 - 2) impair the services of the unit, and/or 3) are grossly contradictory of the mission of YS.

Specific incidents which may justify an emergency suspension include, but are not limited to, the following:

- unauthorized sleeping on duty;
- inattentive to the extent of having the effect of being asleep;
- introduction/use/possession of contraband;
- intoxication;
- unprofessional relationship with youth;
- arrest and charge of criminal behavior; and
- abuse of youth.

The duration of the emergency suspension will be commensurate with the duration of the emergency/impairment to the affected unit. For example, unless circumstances warrant otherwise, the duration of an emergency suspension for both sleeping on duty and inattentiveness (to the extent of having the effect of being asleep) might be for the remainder of the shift. With other violations, the emergency suspension will be for that period of time which the unit is adversely affected by the presence of an employee.

The Unit Head has three options available relative to the duration of the emergency suspension. Those options are as follows:

- a. End the emergency suspension and return the employee to duty on the next scheduled shift. Generally, this option is used when termination **is not** the recommended penalty. However, this option may be used when termination is the recommended penalty if the employee's work presence at work would not adversely affect the unit.

- b. Continue the emergency suspension pending final action if justified in accordance with Civil Service Rule No.12.4. Generally this option may be used when termination is the recommended penalty.
 - c. End the emergency suspension and place the employee on forced leave (annual or compensatory leave). (Refer to Section 6.B.3. of this policy for restrictions.)
2. Detailed justification for the emergency suspension must be submitted with the violation report (VR-1). (Refer to YS Policy No. A.2.1 "Employee Manual.") The justification must include a description of the emergency/impairment to the unit and the projected duration of such.

B. Other Suspensions/Leave Options

Other types of suspensions and leave options available to the Unit Head are as follows:

1. Suspension Pending Investigation

An employee may be placed on suspension pending investigation while YS investigates incidents, allegations, etc. involving the employee, which, if confirmed, would warrant disciplinary action and the employee's continued presence at the unit during the investigation would be contrary to the best interests of the unit.

For example, if an employee is alleged to have committed a crime and has not been arrested and charged, then if justified in accordance with Civil Service Rule No. 12.10, the employee may be placed on suspension pending investigation while law enforcement and/or YS officials investigate the allegation(s). When this option is used, the Unit Head must inform the YS Central Office's Human Resources Office. The Human Resources Office will subsequently advise Civil Service. Similar notification is required when a Suspension Pending Investigation is concluded.

This type of suspension is not a disciplinary action, is **with pay** and cannot exceed 30 calendar days without the prior approval of the Civil Service Director. Requests for extensions must be addressed to the Deputy Secretary/Assistant Secretary, who will request the required approval.

2. Suspension Pending Criminal Proceedings

If an employee has been arrested and charged with criminal behavior and if justified in accordance with Civil Service Rule No. 12.5, the employee may be placed on suspension pending criminal proceedings.

Unit Heads must submit written justification to the Deputy Secretary/Assistant Secretary for application of this type of suspension. The Deputy Secretary/Assistant Secretary will seek approval for the suspension through the Civil Service Commission. Generally, these suspensions will be **without pay** unless otherwise directed by the Civil Service Commission. The Commission will also determine the duration and other conditions of this suspension.

3. Forced Leave

If there is insufficient information to determine the appropriate method of suspension or the appropriate resolution to the VR-1, the employee may be placed on forced leave (if adequate leave is available) until such time as the appropriate suspension method or resolution is evident. Employees may be placed in forced leave using either annual and/or compensatory leave (payable and non-payable), but cannot be forced to reduce their annual leave balance below 240 hours.

Previous Regulation/Policy Number: A-02-021 / A.2.17

Previous Effective Date: 02/15/1995

Attachments/References: